

Memorandum



Date: July 2, 2013

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Nice Transportation Service, Inc. Application for Two Nonemergency Vehicles

Agenda Item No. 8(M)(6)

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the application of Nice Transportation Service, Inc. for two (2) Certificates of Public Convenience and Necessity to operate two (2) nonemergency vehicles.

Scope

These Certificates of Public Convenience and Necessity are countywide, allowing the certificate holder to operate in unincorporated and incorporated areas of Miami-Dade County.

Fiscal Impact/Funding Source

Licensing, operating permit and inspection fees are collected by the Department of Regulatory and Economic Resources to support regulatory activities. There is an annual regulatory fee of \$625 per certificate that will yield \$1,250 in revenue annually for the new certificates. Vehicle inspections are \$38 per vehicle.

Track Record/Monitor

Applicant is an existing permit holder of one (1) Certificate of Public Convenience and Necessity to provide nonemergency medical transportation. The applicant is in compliance with all requirements of the Code of Miami-Dade County (Code). Joe Mora, Division Director within the Department of Regulatory and Economic Resources, will be responsible for monitoring this company.

Background

On December 18, 1980, the Board of County Commissioners adopted Ordinance 80-145, later codified in Chapter 4, Article III of the Code, providing for the regulation of nonemergency medical transportation. Section 4-44 of the Code provides the procedures to be followed by the County in processing certificate applications. Based upon those requirements, the Board may issue or refuse to issue the certificate as applied for, or may issue the certificate with modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching a determination, the Board shall consider the application, the Mayor's recommendation, all matters presented during the public hearing, and among others, the following criteria:

- (1) The ability of the applicant to provide the proposed service;
- (2) The adequacy of the management plan of the applicant; and
- (3) The benefits that will accrue to the public interest from the proposed service.

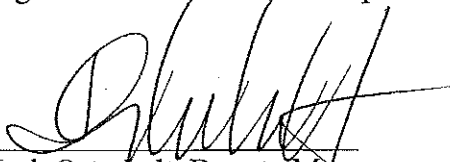
Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners
Page 2

Nice Transportation Service, Inc., located at 2770 SW 23 Street, Miami, Florida 33145, seeks to obtain two (2) Certificates of Public Convenience and Necessity to provide combination wheelchair and stretcher nonemergency medical transportation service to individuals requiring this type of transportation.

The applicant seeks to transport patients to and from various medical facilities throughout Miami-Dade County seven (7) days a week, 24 hours a day. Nonemergency transportation rates are not regulated by Miami-Dade County. However, under the Code, the Certificate Holder must file their rates with the Department of Regulatory and Economic Resources and post them within the passenger compartment section of each vehicle. The proposed rates are \$30 per pick up and \$3 per mile, one-way. The vehicles operated under these certificates will be required to meet the requirements of Section 4-49 of the Code establishing vehicle inspection frequencies.

The management plan submitted by Mr. Carlos Jimenez, President of Nice Transportation Service, Inc., includes maintenance, communication, and recordkeeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted. The proposed service standards meet all requirements of the Code and adequately meet transportation and comfort needs. A background investigation reveals no criminal record within the last five years for the officer(s) of the corporation.

The proposed services to be provided under this certificate will increase the availability of licensed nonemergency medical transportation in Miami-Dade County thus providing increased competition and high service standards to the public.



Jack Osterholt, Deputy Mayor



MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

FROM: 
R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 8(M)(6)

Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's _____, 3/5's _____, unanimous _____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 8(M)(6)
7-2-13

RESOLUTION NO. _____

RESOLUTION APPROVING APPLICATION FOR TWO
(2) CERTIFICATES OF PUBLIC CONVENIENCE AND
NECESSITY TO NICE TRANSPORTATION SERVICE,
INC. TO PROVIDE COMBINATION WHEELCHAIR AND
STRETCHER NONEMERGENCY MEDICAL
TRANSPORTATION SERVICES

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the application by Nice Transportation Service, Inc. for two (2) Certificates of Public Convenience and Necessity to operate two (2) nonemergency vehicles to provide combination wheelchair and stretcher nonemergency medical transportation services in Miami-Dade County.

The foregoing resolution was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro
Jose "Pepe" Diaz
Sally A. Heyman
Jean Monestime
Sen. Javier D. Souto
Juan C. Zapata

Esteban Bovo, Jr.
Audrey M. Edmonson
Barbara J. Jordan
Dennis C. Moss
Xavier L. Suarez

The Chairperson thereupon declared the resolution duly passed and adopted this 2nd day of July, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

GKS

Gerald K. Sanchez